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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,755	03/13/2001	Samson X. Huang	10559-361001	2735
7590	02/16/2005		EXAMINER	SHENG, TOM V
Edwin H. Taylor BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 12400 Wilshire Boulevard Seventh Floor Los Angeles, CA 90025			ART UNIT	PAPER NUMBER
			2673	
DATE MAILED: 02/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/805,755	HUANG ET AL.
Examiner	Art Unit	
Tom V Sheng	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 18 October 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-6 is/are allowed.

6)  Claim(s) 7-15 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/30/04, 9/7/04.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

The Examiner inadvertently rejected claims 7-10 and 12-15 in the previous action dated 8/18/2004 under 35 U.S.C. 102(b) by mistake. Sorry for the honest mistake as it should have been rejected under 102(e).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7-10 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al. (US 6,417,864 B1).

As for claim 7, Jones teaches a system for intensity control of a pixel (using both temporal dither and spatial dither; see fig. 12), comprising:

a first subpixel (pixel part SD1);

a second subpixel (pixel part SD2), the first subpixel and the second subpixel

having a light output ratio of **about** 1:1 (ratio between SD1 and SD2 is 1:2); and

a driver (inherent) to apply a pulse-width modulated electrical waveform (frame of subframes TD1, TD4 and TD16) to the first subpixel (SD1) and the second subpixel (SD2), the modulated waveform having a first pulse (one of TD1, TD4, or TD16) and a

second pulse (the other one of TD1, TD4 or TD16), the first pulse being applied to the first subpixel and the second pulse being applied to the first subpixel and the second subpixel (for example, when TD1 is combined with SD1 and TD2 is combined with SD1 and SD2 that results in a gray level of 13). See column 10, lines 3 through 27.

As for claim 8, the first pulse TD1 and second pulse TD2 are **about** equal width.

As for claim 9, the third pulse TD16 is **about** twice the width of the first pulse TD1. Applying TD16 to both SD1 and SD2 would result in a gray value of 48.

As for claim 10, use of amplitude modulation simply produces more gray levels.

As for claim 12, Jones teaches a method of intensity control of a pixel (using both temporal dither and spatial dither; see fig. 12), comprising:

applying a first electrical pulse with a first width to a first subpixel of the pixel to produce a first gray-scale tone (apply subframe with duration TD1 on either pixel part SD1 for gray level 1 or pixel part SD2 for gray level 2); and

applying a second electrical pulse with the first width to the first subpixel and a second subpixel of the pixel to produce a second gray-scale tone (apply subframe with duration TD1 on both pixel part SD1 and SD2 for gray level 3),

wherein the first subpixel and the second subpixel have a light output ratio of **about** 1:1 (ratio between SD1 and SD2 is 1:2). See column 10, lines 3 through 27.

The same subframe with duration TD1 reads on both the first electrical pulse and the second electrical pulse with the first width, as claimed.

Claim 13's application of first pulse to first subpixel and second pulse to both first and second subpixels is read by Jones' display of gray level 13 as analyzed in claim 7.

Claim 14 corresponds to claim 9 and is rejected per analysis of claim 9.

Claim 15 corresponds to a gray value of 49.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones as applied to claim 7 above, and further in view of Green (US 5,124,695).

As for claim 11, Jones teaches first and second subpixels of about equal light output ratio but does not teach the first subpixel and the second subpixel being concentric.

Green teaches the areas of subpixels being arranged in a concentric manner, since such subpixels have essentially the same average position and would have no disturbing effect on the eye when viewing a display (figure 1; column 1, lines 24-41).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to incorporate concentric subpixel arrangement of Green in Jones' invention, thus further eliminating unwanted positional effect of the subpixels on the eye when viewing a display.

***Allowable Subject Matter***

5. Claims 1-6 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: none of the prior arts of record teaches the limitations "a pixel having  $2^S$  subpixels, two of the subpixels with the lowest light output having a light output ratio of about 1:1" and "the modulated waveform having N-S pulses of different pulse widths combined to provide the  $2^N$  gray-scale tone" of claim 1. Claims 2-6 are dependent on claim 1.

### ***Response to Arguments***

7. Applicant's arguments filed on 10/18/2004 have been fully considered but they are not persuasive. As for claims 7 and 12, the applicants argue that since Jones describes a subpixel light output ratio of 1:2, it does not teach or suggest the recited ratio of about 1:1.

Per the Merriam-Webster's Collegiate Dictionary, tenth edition, the term "about" as related to numerical subject means "reasonably close to". Because the term "about" is relative as defined above, "about 1:1" could very reasonably encompass the range of say 1:1 to 1:5. Because of the reasonably subjective interpretation of the term "about", response to arguments considering claims 8, 9, 14 and 15 are similar as above.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom V Sheng whose telephone number is (703) 305-6708. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703) 305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Sheng  
February 8, 2005



Amare Mongistu  
Primary Examiner